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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,324	02/01/2001	Lisa A. Fillebrown	107870.00010	9207

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EXAMINER

MILLS, DONALD L

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/775,324

**Applicant(s)**

FILLEBROWN ET AL.

**Examiner**

Donald L Mills

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 15-19 objected to because of the following informalities:

Regarding claims 15-19, the claims improperly depend from claim 16 and should be corrected to depend from claim 14. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-5, 8, 12-14, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (US 6,047,165), hereinafter referred to as Wright.

Regarding claim 1, Wright discloses a wireless router, which comprises:

*An amplifier* (Referring to Figure 6, adaptive power control **252**.)

*A processor coupled to the amplifier* (Referring to Figure 6, control processor **225**.)

*A power connection coupled to the amplifier* (Referring to Figure 6, the wireless router inherently utilizes a power connection coupled to the amplifier in order for the router to function.)

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*A transceiver bank coupled to both the amplifier and the processor* (Referring to Figure 6, spread spectrum transceiver **251** coupled to adaptive power control **252** and control processor **225**.)

Regarding claim 2, Wright discloses *a wireless communication software stored in a memory, the memory being coupled to the processor* (Referring to Figure 6, the wireless router **201** forwards data, inherently utilizing software stored in a memory that is coupled to the processor in order to transmit packets. See column 9, lines 30-31.)

Regarding claim 3, Wright discloses *a memory coupled to the processor* (Referring to Figure 6, the wireless router **201** forwards data, inherently utilizing a memory that is coupled to the processor in order to transmit packets. See column 9, lines 30-31.)

Regarding claim 4, Wright discloses *an input/output port coupled to the processor* (Referring to Figure 6, antenna diversity **254** coupled to the control processor **225**.)

Regarding claim 5, Wright discloses *an internal antenna coupled to the transceiver bank* (Referring to figure 6, antenna **258** coupled to spread spectrum transceiver **251**.)

Regarding claims 8 and 17, Wright discloses *the processor stores an algorithm that enables an IEEE 802.11 protocol* (Referring to Figure 6, employing IEEE 802.11 must inherently be supported by the processor in order to allow communication with 802.11 users. See column 15, line 2.)

Regarding claim 12, Wright discloses *the transceiver bank comprises at least one transceiver* (Referring to Figure 6, spread spectrum transceiver **251**.)

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Regarding claim 13, Wright discloses *the transceiver bank maintains software capable of implementing a wireless protocol* (Referring to Figure 6, spread spectrum transceiver, inherently utilizes software to implement the wireless protocol.)

Regarding claim 14, Wright discloses a wireless router, which comprises:

*Receiving a packet having a signal strength* (Referring to Figure 6, the transmitter assesses the signal quality. See column 15, lines 64-65.)

*Amplifying the signal strength to a second signal strength* (Referring to Figure 6, the adaptive power control unit 252 increases its transmit power. See column 15, line 67 and column 16, line 1.)

*Transmitting the packet at the second signal strength* (Referring to Figure 6, the signal is transmitted at the new transmit power. See column 15, line 67 and column 16, line 1.)

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6, 9-11, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (US 6,047,165), hereinafter referred to as Wright, in view of Koodli (US 6,608,841 B1).

Regarding claims 6 and 15 as explained above in the rejection statement of claims 1 and 14, Wright discloses all of the claim limitations of claims 1 and 14 (parent claim).

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Wright does not disclose *the processor storing an algorithm that enables a Bluetooth Protocol.*

Koodli teaches a data network which utilizes short-range radio such as Bluetooth networks (See column 4, lines 53-54.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the Bluetooth network of Koodli in the processor of Wright. One of ordinary skill in the art would have been motivated to do so in order to connect to a multitude of short-range devices. An added benefit of doing so allows more efficient utilization of the bandwidth spectrum for devices that are within close range.

Regarding claims 9 and 11 as explained above in the rejection statement of claim 1, Wright discloses all of the claim limitations of claim 1 (parent claim).

Wright does not disclose *the transceiver bank is enabled to support a plurality of wireless protocols.*

Koodli teaches a data network which utilizes short-range radio such as Bluetooth, RF Protocol, and wireless LAN networks (See column 4, lines 53-54.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the multiple network support of Koodli in the transceiver of Wright. One of ordinary skill in the art would have been motivated to do so in order to connect to a multitude of short-range devices. An added benefit of doing so allows more efficient utilization of the bandwidth spectrum for devices that are within close range.

Regarding claim 10 as explained above in the rejection statement of claim 1, Wright discloses all of the claim limitations of claim 1 (parent claim).

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Wright does not disclose *the processor stores algorithms that enable a plurality of wireless protocols.*

Koodli teaches a data network which utilizes short-range radio such as Bluetooth, RF Protocol, and wireless LAN networks (See column 4, lines 53-54.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the multiple network support of Koodli in the processor of Wright. One of ordinary skill in the art would have been motivated to do so in order to connect to a multitude of short-range devices. An added benefit of doing so allows more efficient utilization of the bandwidth spectrum for devices that are within close range.

Regarding claim 18 as explained above in the rejection statement of claim 14, Wright discloses all of the claim limitations of claim 14 (parent claim).

Wright does not disclose *routing the packet via a plurality of wireless protocols.*

Koodli teaches a data network which utilizes short-range radio such as Bluetooth, RF Protocol, and wireless LAN networks (See column 4, lines 53-54.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the multiple network support of Koodli in the processor of Wright. One of ordinary skill in the art would have been motivated to do so in order to connect to a multitude of short-range devices. An added benefit of doing so allows more efficient utilization of the bandwidth spectrum for devices that are within close range.

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6. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (US 6,047,165), hereinafter referred to as Wright, in view of Cudak et al. (US 5,862,452), hereinafter referred to as Cudak.

Regarding claims 7 and 16 as explained above in the rejection statement of claims 1 and 14; Wright discloses all of the claim limitations of claims 1 and 14 (parent claim).

Wright does not disclose *the processor stores an algorithm that enables a Home RF protocol.*

Cudak teaches an access device and a peripheral device, which utilizes the In-Home RF Bus Protocol stack (See column 8, line 64.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the In-Home RF Bus Protocol Stack of Cudak in the processor of Wright. One of ordinary skill in the art would have been motivated to do so in order to minimize complexity for random access by a peripheral device in a wireless network.



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7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (US 6,047,165), hereinafter referred to as Wright, in view of Lemilainen et al. (US 6,681,259 B1), hereinafter referred to as Lemilainen.

Regarding claim 19 as explained above in the rejection statement of claim 14, Wright discloses all of the claim limitations of claim 14 (parent claim).

Wright does not disclose *the packet is received via a first protocol and the packet is transmitted via a second protocol*.

Lemilainen teaches a data transmission network which allows the for the changing the data transmission connection used at a given time to another data transmission network of another protocol when necessary for a packet (See column 3, lines 1-4.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the multi-protocol support of Lemilainen in the system of Wright. One of ordinary skill in the art would have been motivated to do so in order to for the initiator of the communications to communicate without having to know to which data transmission network the packet is destined.

### ***Conclusion***

8. Applicant is advised that should claim 9 be found allowable, claim 11 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Mills whose telephone number is 703-305-7869. The examiner can normally be reached on 8:00 AM to 4:30 PM.

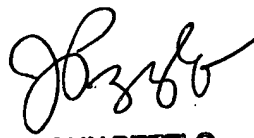
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donald L Mills



May 31, 2004



**JOHN PEZZLO**  
**PRIMARY EXAMINER**